

U.S. v. Manafort

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1 UNITED STATES DISTRICT COURT
 2 FOR THE EASTERN DISTRICT OF VIRGINIA
 3 ALEXANDRIA DIVISION

3 -----x
 4 UNITED STATES OF AMERICA, :
 5 : Criminal Action No.
 6 : 1:18-CR-83
 7 :
 8 : versus :
 9 :
 10 :
 11 :
 12 :
 13 : August 16, 2018
 14 :
 15 : Defendant. : Volume XIII - A.M./P.M.
 16 -----x

8 TRANSCRIPT OF JURY TRIAL
 9 BEFORE THE HONORABLE T.S. ELLIS, III
 10 UNITED STATES DISTRICT JUDGE

11 APPEARANCES:

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P R O C E E D I N G S

(Court proceedings commenced at 9:47 a.m.)

THE COURT: All right. Good morning. This is the United States against Manafort. And it's 18-83. And I can see that counsel and the defendant are present and prepared to proceed.

I'm going to impanel the jury, confirm as always that the 12 persons now, since I've excused the alternates, modified excused. That is they're not entirely free yet. And I will have the roll called, ascertain, as I typically do, that they adhered to the Court's instructions, tell them they can then proceed to deliberate. But the moment of deliberation is a precise one and I'll tell them when that arrives it isn't when they get into the jury room.

I'm probably going to allow them to deliberate in another room, next to the jury room. And the reason for that is that the jury room is quite small and when you roll in everything that is to be rolled in, it puts them in closer quarters than they might like, and I might like, to spend time deliberating. I think they need a little bit bigger room.

I and two others maybe -- yes, two others were the ones who participated as judges in the design of this courthouse during the late 80s and early 90s. It was built and finished in '95 and I don't recall paying any attention to the size of jury rooms. I paid a lot of attention to my

1 space.

2 (Laughter.)

3 THE COURT: I regret that now. But it's done. And
4 I'd probably let them deliberate in a slightly larger room.

5 All right. Let's -- yes, Mr. Andres.

6 MR. ANDRES: Good morning, Your Honor. The parties
7 have agreed on an indictment to go back to the jury. So I can
8 hand that up.

9 THE COURT: Good. May I see it?

10 MR. ANDRES: Yes, Your Honor. Just one, we added
11 the last page, which is -- now that I look at it the font is
12 kind of small -- but it's just an index to the banks that are
13 listed as lender B, C, and D. Lender A --

14 THE COURT: All right. Just a moment. Let me look
15 at it, if I may, a minute here.

16 All right. It appears you have done precisely what
17 I have suggested or directed that you have put in just the
18 counts.

19 MR. ANDRES: Correct, Your Honor.

20 THE COURT: And then the final page, as you've just
21 advised me, identifies lender B, C, and D.

22 MR. ANDRES: Correct.

23 THE COURT: Any problem with this on behalf of the
24 defendant?

25 MR. DOWNING: No, Your Honor.

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1 THE COURT: Thank you. Anything else, Mr. Andres?

2 MR. ANDRES: No, Your Honor. Thank you.

3 THE COURT: Mr. Flood, bring the jury in, please,
4 sir.

5 (Jury present.)

6 THE COURT: All right. You may be seated. Good
7 morning, ladies and gentlemen. We'll call the roll as always
8 by number.

9 THE DEPUTY CLERK: Ladies and gentlemen, as I call
10 your name, please answer "present" or "here."

11 Juror 0008.

12 THE JUROR: Present.

13 THE DEPUTY CLERK: Juror 0037.

14 THE JUROR: Here.

15 THE DEPUTY CLERK: Juror 0276.

16 THE JUROR: Present.

17 THE DEPUTY CLERK: Juror 0017.

18 THE JUROR: Present.

19 THE DEPUTY CLERK: Juror 0145.

20 THE JUROR: Present.

21 THE DEPUTY CLERK: Juror 0115.

22 THE JUROR: Present.

23 THE DEPUTY CLERK: Juror 0082.

24 THE JUROR: Present.

25 THE DEPUTY CLERK: Juror 0009.

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1 THE JUROR: Present.

2 THE DEPUTY CLERK: Juror 0299.

3 THE JUROR: Present.

4 THE DEPUTY CLERK: Juror 0091.

5 THE JUROR: Present.

6 THE DEPUTY CLERK: Juror 0302.

7 THE JUROR: Present.

8 THE DEPUTY CLERK: And juror 0060.

9 THE JUROR: Present.

10 THE DEPUTY CLERK: Thank you. As usual, ladies and
11 gentlemen, I'm going to ask that you tell me whether you were
12 able to adhere to the Court's instructions to refrain from
13 discussing the matter with anyone or undertaking any
14 investigation on your own. Were you all able to do that?

15 THE JURY: Yes, Your Honor.

16 THE COURT: Good.

17 All right. We'll proceed today -- you've got your
18 books. You've heard all of the evidence and the Court's
19 instructions and it's now time for you to deliberate. But the
20 moment of deliberation is a precise one. And it hasn't quite
21 yet arrived. In a moment, I'm going to excuse you. You won't
22 hear the familiar litany about refraining from discussing the
23 matter because the time has arrived when you must do just
24 that, but it hasn't quite arrived yet.

25 You'll go into the jury room and don't begin your

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1 deliberations, don't begin talking about the case until Mr.
2 Flood has brought in all the exhibits, the jury verdict form.
3 You'll have a copy of portions of the indictment. Remember
4 now, the indictment is not evidence or proof of guilt of any
5 kind whatsoever, but it's there to help you organize or
6 understand what each count charges. And the tape recorder
7 with my instructions. You're not required to listen to them
8 again. But if you wish to, you have that facility.

9 Now, I understand you would prefer to deliberate in
10 the larger area. I think that's perfectly understandable.
11 And I'm going to permit that. There is a possibility that we
12 may need to use that space and if we do, you'll have to use
13 the jury room.

14 But, Mr. Flood, the room that they're going to use
15 is the judges' conference room?

16 THE CSO: I believe they are requesting their break
17 room.

18 THE COURT: Oh, the break room?

19 THE CSO: Yes.

20 THE COURT: Is that the one on this side?

21 THE CSO: Where they usually have their lunches.

22 THE COURT: All right. I'll permit that. But, of
23 course, you will have to ensure, Mr. Flood, the security of
24 that area. And, as you know, he'll be right outside the door.
25 All right. I think I've reviewed the --

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1 (A pause in the proceedings.)

2 THE COURT: She's so good.

3 (Laughter.)

4 THE COURT: You may deliberate, that is, discuss the
5 case, only if all 12 of you are present in the jury room and
6 the door is closed. No one else is in there. If one or more
7 of you must use the facilities, you must cease your
8 deliberations. You can't talk about the case unless all 12 of
9 you are present in the courtroom [sic].

10 Now, when lunchtime comes, you may continue while
11 you eat your lunch if you're all 12 together and the door is
12 closed. Otherwise, if you wish, you may take a break for
13 lunch. You may take a hour. Mr. Flood will inform me as to
14 which you decide you want to do. Of course the first thing I
15 suggest you do is to select a foreperson as I said earlier.

16 And you may deliberate as long or as little as you
17 like. How long you deliberate is entirely up to you.

18 All right. You may follow the court security
19 officer out.

20 (Jury dismissed.)

21 THE COURT: You may be seated. I'm going to take a
22 recess now before we continue in other matters. And I would
23 ask -- you-all are perfectly welcome, all of you who are here
24 for the Manafort case, are perfectly welcome to remain
25 throughout all the rest. I would ask that you make room for

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1 the people whose cases are really being heard. I don't think
2 that will be a problem.

3 Mr. Trump, you're here for what?

4 MR. TRUMP: Mr. Nguyen's case, the supervised
5 release.

6 (Laughter.)

7 THE COURT: Whose case?

8 MR. TRUMP: John Nguyen, Your Honor.

9 THE COURT: Oh, Mr. Nguyen.

10 MR. TRUMP: Yes.

11 (Discussion off the record.)

12 THE COURT: We'll stand in recess for five minutes.

13 MR. ANDRES: Thank you, Your Honor.

14 (Recess.)

15 **A F T E R N O O N P R O C E E D I N G S**

16 (Court proceedings commenced at 5:00 p.m.)

17 THE COURT: All right. We are now back on United
18 States against Manafort. 18-CR-83. And counsel and the
19 defendant are present. We have some questions from the jury.
20 I will read to you what the questions are. Then, I will have
21 the court security officer show you the note at the podium.
22 And following that I will tell you what I intend to give by
23 way of answers and then I'll hear from you if you have
24 objections or suggestions.

25 All right. The note says: "Your Honor, we have a

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1 few questions for tomorrow. We are planning to stop today at
2 5:30 p.m."

3 "Is one required to file an FBAR if they own less
4 than 50 percent of the account, do not have signature
5 authority, but do have authority to direct disbursement of the
6 funds?"

7 There are three other questions, but let me give you
8 the answers one at a time.

9 I intend to answer that by saying:

10 "You must rely on your collective recollection of
11 the evidence in the case in order to answer that question."

12 I gave no instructions about exactly what was
13 required. There was testimony on it, but I didn't give any
14 instructions.

15 The next question is:

16 "Can you define "shelf company" and filing
17 requirements related to income?"

18 The term "shelf company" did come up and that too
19 I'm going to answer that you must rely on your collective
20 recollection of the testimony to answer that.

21 The third question is: "Can you redefine reasonable
22 doubt?"

23 There I intend to give them essentially the same
24 instruction with one change. I will tell them: The
25 Government is not required to prove the elements of each

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1 offense beyond all possible doubt. The test is one of
2 reasonable doubt and a reasonable doubt means a doubt based on
3 reason.

4 Then, the last question is:

5 "Can the exhibit list be amended to include the
6 indictment account to which they are related?"

7 The answer to that is: No. You'll have to rely on
8 your collective recollection of the evidence as it was
9 presented and that's it.

10 Mr. Flood, show this to counsel. Maybe one of you
11 from each side can look at it there at the podium.

12 At the podium.

13 MR. DOWNING: Yes, I just wanted to confer.

14 THE COURT: The usual scurrying of people are out.

15 (A pause in the proceedings.)

16 THE COURT: And, of course, I'll make the note a
17 part of the record. Certain portions of it has the name and
18 will remain under seal.

19 MR. DOWNING: Thank you.

20 MR. ANDRES: May I have an opportunity to discuss
21 with counsel?

22 THE COURT: Yes, you may.

23 (Discussion off the record.)

24 THE COURT: And I intend, by the way to give the
25 answers orally here in open court. I could do it in writing

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1 if you'd prefer.

2 MR. ANDRES: No, that's fine, Your Honor.

3 THE COURT: I prefer to do it in open court.

4 MR. ANDRES: Just one issue, if I might. Just one
5 issue if I might, Your Honor.

6 THE COURT: Yes.

7 MR. ANDRES: With respect to the, I believe it's the
8 first question, with respect to FBAR, signature authority, and
9 the like. There is a jury instruction for that. So if Your
10 Honor could --

11 THE COURT: Oh, all right. Give me the number of
12 that if you would.

13 (Discussion off the record.)

14 MR. ASONYE: Your Honor, it's instruction No. 53
15 defined financial interest and signature authority, Your
16 Honor.

17 (A pause in the proceedings.)

18 THE COURT: All right. I'll give that once again.
19 Although, they have it, but I'll give it once again.

20 Any objection to that?

21 MR. DOWNING: No, Your Honor.

22 THE COURT: All right. Anything else?

23 MR. ANDRES: That's all, Your Honor. Thank you.

24 MR. DOWNING: Nothing else, Your Honor.

25 THE COURT: All right. Bring the jury in, please.

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1 (Jury present.)

2 THE COURT: All right. You may be seated. Ladies
3 and gentlemen, is that other area satisfactory? It gives you
4 more room.

5 THE JURY: Yes.

6 THE COURT: I have received a number of questions
7 from you and I'm going to answer or give you answers orally
8 here.

9 I'll read the question and then I'll tell you what
10 the answer is.

11 The first question is: "Is one required to file an
12 FBAR if they own less than 50 percent of the account, do not
13 have signature authority, but do have authority to direct
14 disbursements of the funds?"

15 The instruction I gave you at the outset, I think,
16 is responsive.

17 A person has a financial interest in each account in
18 which such person is the owner of record or has legal title,
19 whether the account is maintained for his or her own benefit
20 or for the benefit of others.

21 If an account is maintained in the name of more than
22 one person, each United States person in whose name the
23 account is maintained has a financial interest in that
24 account.

25 A person also has a financial interest in each

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1 account for which the owner of record or holder of legal title
2 is a -- or a person acting as an agent, nominee, attorney, or
3 in some other capacity on behalf of the United States person
4 with respect to the account; or, a corporation in which the
5 United States person owns directly or indirectly more than 50
6 percent of the voting power of the total value of the shares;
7 a partnership in which the United States person owns directly
8 or indirectly more than 50 percent of the interest in profits
9 or capital or any other entity other than an entity in
10 paragraphs --

11 I don't believe I gave you that. It's not relevant.
12 Is that relevant?

13 MR. ASONYE: No, but the rest of the paragraph is,
14 Your Honor.

15 THE COURT: Yes, it is. Yes. Let me read it again.
16 A corporation in which the United States person owns directly
17 or indirectly more than 50 percent of the voting power or the
18 total value of the shares. A partnership in which the United
19 States persons owns directly or indirectly more than 50
20 percent of the interest in profits or capital or any other
21 entity in which the United States person owns directly or
22 indirectly more than 50 percent of the voting power total
23 value of equity interest or assets or interests in profits.

24 A United States person that causes an entity,
25 including but not limited to a corporation, partnership or

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1 trust, to be created for a purpose of evading Title 31 code or
2 federal regulations 1010.350 shall have a financial interest
3 in any bank, securities, or other financial account in a
4 foreign country for which the entity is an owner of record or
5 holder of legal title.

6 A person has signature or other authority over an
7 account if such person, a loan or in conjunction with another
8 can control the disposition of money, funds, or other assets
9 held in a financial account by direct communications, whether
10 in writing or otherwise, to the person with whom the financial
11 account is maintained.

12 That's the answer to the first question.

13 The second question is:

14 "Can you define "shelf company" and filing
15 requirements related to income?"

16 For the answer to that: You must rely on your
17 collective recollection of the evidence that was presented in
18 the case.

19 The third question is:

20 "Can you please redefine reasonable doubt?"

21 As I told you in the instructions, the Government is
22 not required to prove the defendant's guilt with respect to
23 each element of the offense beyond all possible doubt.

24 The test is one of reasonable doubt. What is a
25 reasonable doubt? It is a doubt based on reason.

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1 Your last question is:

2 "Can the exhibit list be amended to include the
3 indictment -- the indictment count to which they are related?"

4 The answer is: No. You'll have to rely on your
5 collective recollection of the evidence as to what a
6 particular document related to in the testimony.

7 All right. Do counsel need to come to the bench for
8 any reason?

9 MR. ANDRES: No, Your Honor. Thank you.

10 MR. DOWNING: No, Your Honor.

11 THE COURT: All right. Ladies and gentlemen, I'm
12 also advised that you would like to cease today at 5:30 and
13 return tomorrow morning at 9:30. Am I correct?

14 THE JURY: Yes, Your Honor.

15 THE COURT: I will do so. It's now 5:20. So we
16 will recess. You'll leave your books and everything here in
17 that room. Mr. Flood will lock everything up and maintain its
18 security. And then we will recess for the evening.

19 Now, its always been important and it continues to
20 be extremely important that you not discuss the matter with
21 anyone or undertake any investigation on your own by any
22 means.

23 Put -- if you can, I will try, and you should try to
24 put the matter out of your mind. I think it will be easier
25 for me to do because I have a boring dinner tonight. I will

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1 tell you where it is but some of you might appear there. It's
2 not even a restaurant. But put it out of your mind and I'll
3 see you tomorrow morning at 9:30.

4 Thank you for your work in this matter.

5 You may follow Mr. Flood out.

6 (Jury dismissed.)

7 THE COURT: You may be seed. I meant to be
8 explicit, but I'm sure you understood that when I said "Do you
9 need to come to the bench?" It was for you to object to
10 anything I said and I assumed you understood that Mr. Andres?

11 MR. ANDRES: Yes, Your Honor.

12 THE COURT: And you Mr. Downing?

13 MR. DOWNING: Yes, Your Honor.

14 THE COURT: All right. I'm not sure I'm always
15 clear. I said -- Mr. -- no, I'm not going to do it.

16 I'm not going to do it.

17 Anything else this evening?

18 MR. ANDRES: No, thank you, Your Honor.

19 MR. DOWNING: No, Your Honor.

20 THE COURT: Thank you. Court stands in recess until
21 9:00 tomorrow morning. -- I have a sentencing at 9:00. All
22 right. But I -- if I don't finish it by 9:30, I'm going to
23 stop it and take up this case because I want the jury to keep
24 going. Thank you.

25 Court stands in recess.

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1 (Proceedings adjourned at 5:21 p.m.)

2
3 CERTIFICATE OF REPORTER

4
5 I, Tonia Harris, an Official Court Reporter for the
6 Eastern District of Virginia, do hereby certify that I
7 reported by machine shorthand, in my official capacity, the
8 proceedings had and testimony adduced upon the Jury trial in
9 the case of the **UNITED STATES OF AMERICA versus PAUL J.**
10 **MANAFORT, JR.**, Criminal Action No. 1:18-CR-83, in said court
11 on the 16th day of August, 2018.

12 I further certify that the foregoing 19 pages
13 constitute the official transcript of said proceedings, as
14 taken from my machine shorthand notes, my computer realtime
15 display, together with the backup tape recording of said
16 proceedings to the best of my ability.

17 In witness whereof, I have hereto subscribed my
18 name, this August 17, 2018.

19
20
21
22
23 _____/s/_____
24 Tonia M. Harris, RPR
25 Official Court Reporter